

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

DEIRDRE BAKER,

Plaintiff,

v.

Case No. 3:20-cv-889-MMH-JRK

JEA,

Defendant.

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**O R D E R**

This cause is before the Court on Defendant's Motion for Clarification and Motion to Extend Deadlines (Doc. No. 57; "Motion"), filed August 20, 2021. Plaintiff responded in opposition on August 25, 2021. See Response in Opposition to Defendant's Motion for Clarification and to Extend Deadlines (Doc. No. 59; "Response"). In the Motion, Defendant seeks an extension of the remaining deadlines set forth in the Case Management and Scheduling Order and Referral to Mediation (Doc. No. 19; "CMSO"), entered October 14, 2020. Motion at 6-7.<sup>1</sup> In support thereof, Defendant argues that "it is essential that

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<sup>1</sup> As the Motion does not contain numbered pages, citations to it are in accordance with the Court's electronic case filing system (CM/ECF).

The Court previously extended the discovery deadline to August 13, 2021. See Amended Order (Doc. No. 41), entered June 14, 2021. Defendant seeks a further extension of this deadline to complete Plaintiff's deposition and to potentially depose Plaintiff's husband. Motion at 6. The Court has already extended the deadline to depose Plaintiff. See Order (Doc. No. 60), entered September 2, 2021. The Court has also denied Defendant's motion to depose Plaintiff's husband. See Order (Doc. No. 61), entered September 3, 2021.

[Defendant] be able to fully depose Plaintiff prior to presenting its argument for or against summary judgment to the Court.” Id. at 5-6.<sup>2</sup> Defendant also states that it “has been working diligently to complete discovery in this case, despite the numerous issues that have required Court intervention.” Id. at 6. Responding, Plaintiff contends that “Defendant has had full knowledge to complete its discovery” given the extensions provided by the Court and that extending the deadlines would unnecessarily delay the adjudication and cost of this case. Response at 11 (citation omitted).

A scheduling order may be modified upon a showing of good cause by the moving party. See Fed. R. Civ. P. 16(b)(4). In addition, because Defendant’s Motion was filed after the expiration of the dispositive motions deadline, it is also required to demonstrate “excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B). “Whether a party has shown excusable neglect is an equitable determination that requires an analysis of all of the relevant circumstances surrounding the delay.” Kubiak v. S.W. Cowboy, Inc., No. 3:12-cv-1306-MMH-JRK, 2017 WL 1080000, at \*4 (M.D. Fla. Mar. 22, 2017) (unpublished) (citation omitted). Such circumstances include but are not limited to: (1) the danger of prejudice to the nonmovant; (2) the length of the delay and the impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable

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<sup>2</sup> The Court notes, and Defendant recognizes, that the dispositive motions deadline has already passed. See CMSO at 1; Motion at 5 n.2.

control of the movant; and (4) whether the movant acted in good faith. Id. (citation omitted).

Upon review of the filings, the record as a whole, and the applicable law, the Motion is due to be granted to the extent that the dispositive motions deadline and other remaining deadlines and settings will be extended. Defendant has shown good cause and excusable neglect. Defendant moved for relief as soon as practicable considering the extensive Court involvement in discovery disputes between the parties. The Court's Order allowing Plaintiff's deposition to be completed no later than September 30, 2021 (Doc. No. 60) necessitates an extension of the remaining case deadlines. Any prejudice to Plaintiff is minimal. Accordingly, it is

**ORDERED:**

Defendant's Motion for Clarification and Motion to Extend Deadlines (Doc. No. 57) is **GRANTED** to the extent that the dispositive motions deadline and other remaining deadlines and settings will be extended. An Amended Case Management and Scheduling Order will be entered separately. Otherwise, the Motion is denied.

**DONE AND ORDERED** in Jacksonville, Florida on September 3, 2021.

  
JAMES R. KLINDT  
United States Magistrate Judge

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Copies to:

Counsel of Record

Pro Se Party (via U.S. Mail and email address)